IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 6017 of 2004(N)

PETITIONERS:
----

1. D. JOHN QUNDEZ, S/O. S.A. DAS,
AGED 37 YEARS, IX/1856 D.J. COLLEGE,
IKKA NAGAR, MUNNAR.

2. JANCY ANTHONI AMMAL, W/O. S.A. EDWIN,
AGED 32 YEARS, JANCY VILLA,
IKKA NAGAR, KUNNAR.

BY ADV. SRI.N.M.VARGHESE
SRI.DENIZEN KOMATH

RESPONDENTS:
----

1. STATE OF KERALA TO BE REPRESENTED BY
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, IDUKKI
DISTRICT, COLLECTORATE, KUYILIMALA, IDUKKI.

3. TAHSILDAR, DEVIKULAM TALUK,
DEVIKULAM, IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6017/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PATTA NO. LA/64/99 DT. 19/5/99 BY THE P1.

EXT.P2. COPY OF THE LATEST BASIC TAX RECEIPT NO. 279897 IN THANDAPER NO. 397 DT. 22/4/2003 BY THE P1.

EXT.P3. COPY OF THE GIFT DEED NO. 3487/2002 DT. 15/11/2002 OF SUB REGISTRAR OFFICE, DEVIKULAM, EXCUTED BY THE P1.

EXT.P4. COPY OF THE BUILDING PERMIT BO. 12/2002-03 DT. 17/1/2003 BY THE SECRETARY, MUNNAR GRAMA PANCHAYATH.

RESPONDENT'S EXHIBITS

EXT.R1. COPY OF THE ORDER DT. 26/3/03 OF APPLICATION FOR NOC BY P2.

EXT.R2. COPY OF THE B1/7029/02 DT. 29/5/03.

EXT.R3. COPY OF THE ORDER RT NO. 3611/03/RD DT. 17/11/03.

True copy

tga

KURIAN JOSEPH , J

==========

W.P.(C) NO. 6017 OF 2004

==========

Dated this the 1st day of August, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i. issue a writ of mandamus directing the respondents not to conduct any proceedings against Exhibits P1 to P3 title deeds of the petitioners without proper notice and hearing.

ii. issue a writ of mandamus directing the respondents not to dispossess/evict the petitioners from the property and buildings covered by Exhibits P1 to P4 without following due process of law.

In the counter affidavit it is submitted that a detailed enquiry has to be conducted in the matter. Therefore, the writ petition is disposed of making it clear that only after taking proper enquiry with notice to the petitioner, any action shall be taken against the petitioner.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

rv